HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 1031 of 2007

DATED: 19-01-2007

Between:

M/s Precot Meridian Limited, Kodigenahalli H.S.Mandir
Hindupur, Ananthapur, represented by its Manager HRD
K.Ch.Venkat Reddy

…Petitioner

and

The Commissioner of Labour,
Govt. of A.P., Anjaiah Bhavan,
Hyderabad and others.

…Respondents.

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 1031 of 2007

ORAL ORDER:

This writ petition is filed on an apprehension. It is directed against the letter of the 2nd respondent dated 11-1-2007, which reads as under:

> "As per directions received from the Joint Commissioner of Labour, A.P., Hyderabad through Telephone, you are hereby directed to submit the list of Casual Labour within 24 hours to conduct the election to determine the majority Union which is going to be conducted on 24-01-2007."

The petitioner is a company registered under the Company's Act, 1956. According to the petitioner, there are two Workers Unions registered under the Trade Union Act, 1926; one affiliated to AITUC and the other to CITU. Elections to these unions are being held for every two years. The earlier election was in the year 2004. To determine which of the two unions is the majority union, having the support of the majority of the workers, the Commissioner of Labour apparently used to conduct elections to decide the issue.

The petitioner is aggrieved that the 1st respondent has directed the 2nd respondent to submit a list of Casual Labour working in the petitioner industry. According to the petitioner, the 2nd respondent has no authority or jurisdiction to seek such information. The petitioner-Management has submitted representations dated 9-1-2007 and 10-1-

2007 informing the 2nd respondent that Casual Labour cannot participate in the elections. Despite such representations, on the directions of the 1st respondent, the 2nd respondent has again, by the impugned communication, called upon the petitioner to submit the list of Casual Labour, is the complaint.

The grievance above stated does not have an adjudicative disposition under Article 226 of the Constitution of India. The petitioner is at liberty to inform the 2nd respondent reiterating the stand taken by it in its earlier representations. The petitioner is also at liberty to refuse to furnish the information, if it is of the view that such information need not be furnished to the 2nd respondent. As and when the 2nd respondent issues any proceedings, which impacts the petitioner with either civil or other consequences, the petitioner is at liberty to pursue appropriate remedies thereagainst. A direction by this Court or a declaration that the communication of the 2nd respondent is unwarranted is not warranted.

On the aforesaid analysis, the writ petition is dismissed at the stage of admission. No order as to costs.

_____

GODA RAGHURAM, J

19th January, 2007
GRR